

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NOTICE OF APPEAL (Criminal)

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|---------------------------|---|----------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | <u>8:13CR-00105</u> |
| |) | District Court Case Number |
| vs. |) | |
| |) | |
| <u>Timothy DeFoggi</u> , |) | |
| |) | |
| Defendant. |) | |

Notice is hereby given that Timothy DeFoggi, Defendant,
appeals to the United States Court of Appeals for the Eighth

Circuit from the:

☒ Judgment & Commitment

☒ Order (Specify) Order denying Motion to Dismiss (filing #138 on July 10, 2014 and August 4, 2014); Order denying Motions to Suppress

(filing #97 and #105 on June 9, 2014); Order denying Motion in Limine (filing #95 on June 9, 2014); Order denying filings #95, #97, #105 on July 8, 2014; and Order denying in part Motion for Acquittal and New Trial (filing #260 on December 30, 2014).

entered in this action on (Specify date(s)) _____

s/ Stuart J. Dornan, #18553
Attorney or Pro Se Defendant

CERTIFICATE OF COMPLIANCE

I hereby certify that:

1. I have filed or served copies of this notice of appeal upon the United States District Court and all counsel of record.
2. I have completed and attached an Information Sheet to this Notice of Appeal.

01/19/2015
Date

s/ Stuart J. Dornan, #18553
Attorney or Pro Se Defendant
Dornan, Lustgarten & Troia PC LLO
1403 Farnam Street, Suite 232
Omaha, NE 68102
(402) 884-7044
(402) 884-7045 (fax)
stu@dltlawyers.com

INFORMATION SHEET - CRIMINAL
TO BE COMPLETED BY ATTORNEY FOR APPELLANT

1. Defendant's Address: Douglas County Correctional Center, 710 S 17th Street,
Omaha, NE 68102
2. Date of Verdict: August 26, 2014
- X Jury Non-Jury Bail Status
- Offenses: Child Exploitation Enterprise; Conspiracy to Advertise
Child Pornography; Conspiracy to Distribute Child
Pornography; Access with Intent to View Child Pornography
- Trial Testimony - Number of Days 5
3. Sentence and Date Imposed: January 5, 2015; 300 months (Count I); 120 months
(Count IV); 120 months (Count V); 120 months (Count VI);
120 months (Count II) to run concurrently
4. Appealing: Sentence Conviction Both x
- Challenging: Application of Sentencing Guidelines
 Constitutionality of Guidelines
 x Both Application and Constitutionality
5. Date Trial Transcript ordered by Counsel or District Court: September 3, 2014
- Name, Address, and Phone Number of Court Reporter or Transcriber in Charge of
Preparing Transcript: Brenda L. Fauber; 402-661-7322, 111 South 18th Plaza
Suite 3122
Omaha, NE 68102
-
6. Trial Counsel was: x Appointed - John S. Berry, Jr. Retained
Undersigned counsel was retained by family of Defendant to represent him at sentencing.
Does Defendant's financial status warrant appointment of counsel
on appeal? Yes x No
- Affidavit of Financial Status filed: yes
- Is there any reason why trial counsel should not be appointed as
counsel on appeal? x Yes No
7. Name and Phone Number of Assistant U.S. Attorney: Michael P. Norris, 402-661-3700;
Keith A. Becker, 202-305-4104; and Sarah Chang, 202-353-4979
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